

1 HONORABLE RONALD B. LEIGHTON  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL E. LEWIS and JAIME K.  
LEWIS, individuals,

Plaintiffs,

v.

HSBC MORTGAGE CORPORATION, an  
active Delaware corporation; HSBC  
FINANCE CORPORATION, an active  
Delaware corporation d/b/a HOUSEHOLD  
FINANCE CORPORATION,

Defendants.

Case No. C07-5041RBL

ORDER GRANTING PLAINTIFFS'  
MOTION TO REFER FIRST CLAIM  
FOR RELIEF

THIS MATTER came before the Court on Plaintiffs' Motion to Refer First Claim for Relief to the  
Bankruptcy Court and Stay Proceedings Until Disposition of Claims Under Bankruptcy Code. [Dkt. #17].

The Court considered the complaint and answer and the plaintiffs' motion with attachments. The Court  
has also considered that defendants have failed to file a response in opposition to the motion thereby indicating  
to the Court that the motion has merit, CR 7(b)(2), Local Rules W.D. Wash.

The Court, having reviewed the evidence and considered the argument of counsel, finds and concludes  
as follows:

1. Plaintiffs filed a petition on October 16, 2005 for Chapter 7 protection under the United States  
Bankruptcy Code ("Bankruptcy Code").

2. Defendant HSBC purchased the second position note from Countrywide Home Loans during  
the automatic stay.

3. On March 8, 2006, plaintiffs received a discharge of their debts pursuant to an Order of  
Discharge by the Bankruptcy Court.

3       4. Plaintiffs now seek to enforce the automatic stay and the Order of Discharge issued by the  
4 Bankruptcy Court for the Western District of Washington and refer their First Claim for Relief to that Court.

5 Based on the above, it is hereby **ORDERED:**

6       1. That Plaintiffs' First Claim for Relief (violation of the automatic stay) is referred to the  
7 Bankruptcy Court for the Western District of Washington.

8       2. The remaining claims in plaintiffs' complaint are stayed pending any adjudication by the  
9 Bankruptcy Court on Plaintiffs' First Claim for Relief.

10 Dated this 11<sup>th</sup> day of October, 2007.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE